

**MEDICAL EXAMINING BOARD
REGULAR MEETING
DECEMBER 18, 2002**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Thomas Luetzow, Sandra Mahkorn, Daniel Miota, Clark Olsen, Darold Treffert, and Muriel Harper and Karen Kalishek

MEMBERS EXCUSED: Dr. Bhupinder Saini and Virginia Heinemann

STAFF PRESENT: Deanna Zychowski, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant

CALL TO ORDER

Chair Darold Treffert called the meeting to order at 8:01 a.m.

APPROVAL OF AGENDA

Amendments: Issue Complaint – Leon Radant, MD, 02 MED001 (Mc)
Extension of time – 01 MED 325, 01 MED 326 (Mc)
Stipulation – Stephen Guthrie (C)
Application – Donna Dupuis, RCP (M)
Dismiss from IPP – CP and MH
June Dahl – Request to sponsor or participate (B)
Issue Complaint – 99 MED 335 (Mc)
Extension of time – 01 MED 074 (Mc)
Patient Compensation - Compliance

MOTION: Alfred Franger moved, seconded by Karen Kalishek, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES NOVEMBER 20, 2002

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to approve the minutes of November 20, 2002. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera discussed the information on Governor Doyle's transition team with the Board. Secretary Herrera advised the Board that the transition team has met with all heads of the department. Secretary Herrera wants to ensure the department keeps on with the mission and the continuity of the Boards to ensure that the public is both served and protected. Currently Governor Doyle has appointed six new department Secretaries. Confirmation of Board members has halted and there may be eight key people not working in the Department of Regulation and Licensing effective January 6th, 2003.

Dr. Treffert thanked Secretary Herrera for his efforts while serving at the Department.

ADMINISTRATIVE REPORT – DEANNA ZYCHOWSKI

Deanna Zychowski advised the Board that the Perfusionist Examining Council has met three times. The Pharmacy Examining Board will be submitting to this Board a memo on electronic prescriptions to be published in the Regulatory Digest. The Controlled Substances Board would like support to add a nurse and a doctor to their Board.

Dr. Sandra Mahkorn has requested that the policy of the electronic prescription be sent over to the department in Medicaid.

PRESENTATION OF PROPOSED STIPULATION THAT MAY BE SIGNED AFTER MAILING OF AGENDA

DOE attorney Jim Polewski, presented a proposed stipulation in the matter concerning Stephen Guthrie, MD. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

The Board noted the report.

ORAL ARGUMENTS IN THE MATTER CONCERNING MILES JONES, MD

DOE attorney Arthur Thexton called Miles Jones name three times in the lobby or the public department area for his oral argument and the time is 8:40 am. Miles Jones was a no show. Attorney Arthur Thexton presented his oral arguments in this matter. This matter will be deliberated on in closed session.

REPORT OF IPP COMMITTEE

Clark Olsen will review the new policy and share the new policy at a future Board meeting.

REPORT OF SCREENING COMMITTEE

David O'Connell reported the Screening Committee reviewed 39 cases. Fourteen cases were opened, 20 complaints were closed, and more information was requested on five.

Dr. Treffert discussed the complaint process change and the new request for records. When a complaint comes into the department there is a new procedure for obtaining medical records except for complaints of sexual misconduct, drug diversion, fraud or conviction of a crime. A copy of the complaint will be sent to the respondent along with a request for medical records. This procedure will accompany the ten day letter to the respondent.

JUNE DAHL LETTER

Dr. Treffert discussed June Dahl's request for someone to participate in the pain management meetings that will be held across the state. The Board's role would be to discuss what the Medical Examining Board's regulations, rules and roles are.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, that the Board participates in the opioids education program meetings but not be a sponsor of the program. Motion carried unanimously.

PATIENT COMPENSATION FUND

Dr. Treffert led the discussion of doctors who are practicing technically without umbrella insurance. After a brief discussion the Board decided that they should file a complaint with action if the physician does not comply within 30 days.

MOTION: Clark Olsen moved, seconded by Alfred Franger, that Wayne Austin draft a letter to send to doctors who have not paid their patient compensation fund and advise them that a complaint will be issued that could result in discipline up to and including revocation. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for the purpose of deliberation of proposed stipulations, issuing complaints, requesting stay of suspensions, requesting full licensure, reviewing case status, review status and approval of therapist, possible board violations, approval of order fixing costs, administrative warning, possible approval of completion of board orders, granting licenses and consulting with legal counsel. Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Sidney Johnson – yes, Thomas Luetzow – yes, Sandra Mahkorn – yes, Daniel Miota – yes, Clark Olsen – yes, Darold Treffert, and Muriel Harper – yes and Karen Kalishek - yes. Motion carried unanimously.

Open session recessed at 9:29 a.m.

DELIBERATION OF PROPOSED DECISION – MILES JONES, MD

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to reject the Administrative Law Judge's Findings of Fact in the matter of Miles Jones, MD. Sandra Mahkorn, case advisor, was not present during the deliberation. Roll call vote: Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Muriel Harper – yes, Sidney Johnson – yes, Karen Kalishek – yes, Thomas Luetzow – yes, Daniel Miota – yes, Clark Olsen – no, Darold Treffert – yes. Motion carried.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to accept Prosecuting Attorney Arthur Thexton's Findings of Fact in the matter of Miles Jones, M.D. Sandra Mahkorn, case advisor was not present during deliberations. Roll call vote: Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Muriel Harper – yes, Sidney Johnson – yes, Karen Kalishek – yes, Thomas Luetzow – yes, Daniel Miota – yes, Clark Olsen – no, Darold Treffert – yes. Motion carried.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to reject the Administrative Law Judge's Conclusions of Law in the matter concerning Miles Jones, M.D. Sandra Mahkorn, case advisor was not present during deliberation. Clark Olsen abstained. Motion carried.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to accept Prosecuting Attorney Arthur Thexton's Conclusions of Law in the matter of Miles Jones, M.D. Sandra Mahkorn, case advisor, was not present during deliberations. Motion carried.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to reject the Administrative Law Judge's Order in the matter concerning Miles Jones, M.D. Sandra Mahkorn, case advisor was not present during deliberation. Clark Olsen abstained. Motion carried.

MOTION: Sidney Johnson moved, seconded by Ronald Grossman, to accept Prosecuting Attorney Arthur Thexton's Order in the matter of Miles Jones, MD. Sandra Mahkorn, case advisor was not present during deliberations. Motion carried.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to approve the order fixing costs incurred in the matter of Miles Jones, M.D. Sandra Mahkorn, case advisor was not present during deliberations. Motion carried.

STAY OF SUSPENSION – SCOTT CONANT, MD

MOTION: Clark Olsen moved, seconded by Sandra Mahkorn, to grant a three month stay of suspension, reduce screens from 4 a month to 2 a month, reduce group therapy to once a month and modify the order to approve a “no controlled prescription” DEA license in the matter of Scott Conant, M.D. Motion carried unanimously.

STAY OF SUSPENSION – EDWARD COONEY, MD

MOTION: Clark Olsen moved, seconded by Sandra Mahkorn, to grant a three month stay of suspension and reduce screens from twice a month to once a month, and deny his request for an unlimited DEA license in the matter of Edward Cooney, M.D. Motion carried unanimously.

REVIEW STATUS AND APPROVE THERAPIST – GARY ROCHON, MD

The Board took no action on this matter.

STAY OF SUSPENSION – NICHOLAS GEIMER, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to grant a three month stay of suspension, reduce screens from once a week to twice a month, reduce screens to twice a month in the matter of Nicholas Geimer, M.D. Motion carried unanimously.

STAY OF SUSPENSION – JEFFREY JUNIG, MD

MOTION: Sidney Johnson moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Jeffrey Junig, MD. Motion carried unanimously.

POSSIBLE BOARD VIOLATION – RAYMOND KOZIOL, MD

MOTION: Sidney Johnson moved, seconded by Daniel Miota, to suspend the license of Raymond Koziol, MD. Motion carried unanimously.

**COMPLETION OF BOARD ORDER – REINSTATE TO FULL LICENSURE –
STEPHEN PARK, M.D.**

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, to approve reinstatement for full licensure for Stephen Park, M.D. Motion carried unanimously.

STAY OF SUSPENSION – THOMAS STRICK, M.D.

MOTION: Alfred Franger moved, seconded by Clark Olsen, to grant a three month stay of suspension to Thomas Strick, M.D. Motion carried unanimously.

POSSIBLE BOARD VIOLATION – SCOTT WARWICK, MD

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to suspend the license of Scott Warwick, MD, for violation of a Board order. Motion carried unanimously.

REQUEST FOR POST GRADUATE TRAINING – JEONG MI PARK, MS

MOTION: Alfred Franger moved, seconded by Clark Olsen, to approve the equivalent post graduate training in the matter of Jeong Mi Park, M.D. Motion carried unanimously.

ORDER FIXING COSTS – JEFFREY GOTTLIEB, MD

MOTION: Clark Olsen moved, seconded by Alfred Franger, to approve the order fixing costs in the matter of Jeffrey Gottlieb, M.D. Motion carried unanimously.

ADMINISTRATIVE WARNING – 99 MED 317

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to issue an administrative warning in the case of **99 MED 317**. Motion carried unanimously.

PROPOSED STIPULATION – STEPHEN GUTHRIE, MD

MOTION: Ronald Grossman moved, seconded by Lief Erickson, to adopt the stipulation in the case of Stephen Guthrie, MD. Karen Kalishek, case advisor abstained. Motion carried unanimously.

ISSUE COMPLAINT – 99 MED 335

MOTION: Clark Olsen moved, seconded by Ronald Grossman, that there is probable cause to believe that the licensee in **99 MED 035** is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

ISSUE COMPLAINT – 02 MED 001

MOTION: Clark Olsen moved, seconded by Ronald Grossman, that there is probable cause to believe that the licensee in **02 MED 001** is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

ISSUE COMPLAINT – 01 MED 100

MOTION: Ronald Grossman moved, seconded by Alfred Franger, that there is probable cause to believe that the licensee in **01 MED 100** is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

REQUEST FOR EXTENSION OF TIME – 01 MED 326

MOTION: Clark Olsen moved, seconded by Daniel Miota, to grant an extension of time for case **01 MED 326**. Motion carried unanimously.

REQUEST FOR EXTENSION OF TIME – 01 MED 325

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant an extension of time for case **01 MED 325**. Motion carried unanimously.

REQUEST FOR EXTENSION OF TIME – 01 MED 074

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant an extension of time for case **01 MED 074**. Motion carried unanimously.

REQUEST FOR FULL LICENSURE- DONNA DUPUIS, RCP

MOTION: Clark Olsen moved, seconded by Alfred Franger, to grant full licensure to Donna Dupuis, RCP. Motion carried unanimously.

CASE STATUS REVIEW

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to dismiss CP (initials) and MH (initials) from IPP after five years. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 287**, for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Thomas Luetzow, to close complaint **02 MED 288**, for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 328**, for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to close complaint **02 MED 158**, for insufficient evidence. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 327**, for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice as physician's assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:03 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Alfred Franger moved, seconded by Karen Kalishek, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:12 p.m.